

In the High Court of Judicature for Rajasthan
At
Jaipur Bench, Jaipur

O R D E R

In

S.B. Cri. Misc. 2nd Bail Application No.6805/06
Bansi Vs. State of Rajasthan

Date of Order :: 28th November, 2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. M.K. Kaushik, counsel for petitioner.
Mr. R.P. Kuldeep, Public Prosecutor for State.

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This second bail application under section 439 of the Code of Criminal Procedure has been filed by the accused petitioner Bansi in FIR No.293/2005 registered at Police Station Khetari, District Jhunjhunu for the offence under sections 302 & 302/34 IPC in which after investigation charge-sheet has been filed and the trial is in progress.

Heard learned counsel for accused petitioner, learned Public Prosecutor for the State and perused the material produced during the course of arguments.

Learned counsel for accused petitioner contended that the accused petitioner is behind the bars for a period of more than one year and still the trial has not been completed. It is

also submitted that the prosecution case rests solely on the circumstantial evidence and there is no satisfactory evidence which connects the accused petitioner with the crime and various important links are also missing. Reliance has been placed on the judgments delivered by Hon'ble the Supreme Court in the case of Kumar Vs. State of Karnataka, reported in 2000(4) Crimes 31 (SC) and Sharad Birdhichand Sarda Vs. State of Maharashtra, reported in AIR 1984 Supreme Court 1622.

Learned Public Prosecutor vehemently opposed the bail application and contended that the trial is in progress, five prosecution witnesses have been examined and some more important witnesses are yet to be examined. It is also submitted that there is sufficient evidence against the accused petitioner to connect him with this crime of murder of a minor boy.

Without making any observation on merits, having considered the rival submissions made at the bar, nature of accusation, evidence recorded so far and entire facts circumstances, I do not deem it proper to enlarge the accused petitioner Bansi on bail under section 439

Cr.P.C. Therefore, the same is hereby rejected.
However, the trial court is directed to complete
the trial expeditiously.

(J.R. Goyal), J

VS Shekhawat/-
Jr. P.A.